



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 01 2001

Rec'd Oct 4, 2001

REPLY TO THE ATTENTION OF:  
C-14J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

To Addressees on attached Mailing List

Re: Amended Administrative Order by Consent in the Matter of  
Conservation Chemical Company of Illinois, Inc., Gary, Indiana -  
Docket Number: V-W-98-C-497

Dear Sir or Madam:

Enclosed please find two copies of an Amended Administrative Order by Consent prepared by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9606. Please return both executed copies of the consent order within 10 calendar days after receipt of this letter to Cynthia Kawakami, Associate Regional Counsel, C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604. Your failure to return two executed copies of the consent order to U.S. EPA within that time period will be construed as an unwillingness to enter a consent order with U.S. EPA. U.S. EPA will then proceed accordingly.

If you have any questions regarding the Order, feel free to contact Cynthia Kawakami, Associate Regional Counsel, at (312) 886-0564 or Steven Faryan, On-Scene Coordinator, at (312) 353-9351.

Sincerely yours,

  
Richard C. Kari, Chief  
Emergency Response Branch

Enclosures

cc: State Agency Superfund Program Manager

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF:	)	Docket No. V-W-98-C-497
CONSERVATION CHEMICAL CO.	)	
OF ILLINOIS, INC.,	)	AMENDMENT TO ADMINISTRATIVE
GARY, INDIANA	)	ORDER BY CONSENT, PURSUANT TO
	)	SECTIONS 106 AND 122(F) OF THE
	)	COMPREHENSIVE ENVIRONMENTAL,
Respondents:	)	COMPENSATION, AND LIABILITY
Listed in Attachment A	)	ACT OF 1980, as amended, 42 U.S.C.
	)	§§ 9606(a) and 9622(h);
	)	

This is an amendment to the Administrative Order by Consent, Docket Number V-W-98-C-497, for the Conservation Chemical Company of Illinois, Inc. Site, ("the AOC"), that was entered into by the United States Environmental Protection Agency (U.S. EPA) and the Respondents, Lucent Technologies Inc. (for Western Electric, Teletype, and Bell Telephone Laboratories); Gary Steel Supply Company; Bethlehem Steel Corporation; LaSalle Steel Company; Allied Signal Inc. (for Universal Oil Products); K. A. Steel Chemicals, Inc.; Union Oil Company of California d/b/a/ UNOCAL; THE STEEL COMPANY f/k/a/ Chicago Steel & Pickling; Union Carbide Corporation; Ansul, Incorporated (for Ansul Co.); Motorola Inc.; PPG Industries, Inc.; Crucible Materials Corporation, Trent Tube Division; American Chain & Cable Co., Inc.; Navistar International Transportation Corp. (for International Harvester); and Russell, Burdall & Ward n/k/a RB & W Corporation, (collectively referred to as "Respondents"), on February 4, 1999.

Under the terms of the original AOC, Respondents were required, *inter alia*, to assess, design, implement, and install a hanging containment barrier along the Southeast border of the Conservation Chemical Company of Illinois, Inc. (CCCI) property to contain the floating contaminated oily layer in the shallow groundwater aquifer that originated at the CCCI property. During Respondents' performance of the removal activities under the AOC, however, U.S. EPA determined that significant new information demonstrated that the installation of a hanging containment barrier would not effectively contain the floating contaminated oily layer, and that U.S. EPA needed to modify the response action. Subsequently, U.S. EPA and Respondents agreed that Respondents shall not install the hanging containment barrier on the CCCI property, and, instead, shall design and install a culvert pipe, below the surface, on the Gary Airport property that is located adjacent to the CCCI property. The culvert pipe will replace the open ditch on the Gary Airport property, and will be designed to prevent the floating contaminated oily layer from entering the pipe and contacting and mixing with the storm water and ground water which will flow through the pipe. Therefore, the installation of the culvert pipe will be designed to eliminate the ditch as a pathway for the contaminated oily layer to travel off-site and eventually to the Grand Calumet River. The culvert pipe will include engineering controls that

will be designed to prevent the floating contaminated oily layer from infiltrating the walls and joints of the culvert pipe. In addition, clay or bentonite "checks" and test points will be installed around the pipe, approximately every 200 feet, to minimize the likelihood of the floating contaminated oily layer moving along the outside of the pipe to a point of discharge on the Gary Airport property. Once the culvert pipe, engineering controls and clay or bentonite checks have been installed, the culvert pipe on the Gary Airport property will be covered and seeded.

THEREFORE, U.S. EPA and the Respondents agree that the original AOC and the Work Plan in this matter shall be amended and modified, except that no requirement under the original AOC and/or Work Plan shall be modified or amended unless specifically addressed in this Amended Administrative Order By Consent (Amended AOC) and/or the Amended Work Plan.

The original AOC is amended and modified as follows:

1. All Sections, Paragraphs, and Subparagraphs of the AOC that use the terms *AOC* and/or *Work Plan* shall be amended to include the terms *Amended AOC* and/or *Amended Work Plan*.

2. Section V, Paragraph 2, Subparagraph j of the AOC, shall be replaced by the following:

Assess, design, implement and install a culvert pipe, below the surface, on the Gary Airport property, that is located adjacent to the CCCI property. The culvert pipe will be installed in the area of the open ditch on the Gary Airport property, and will, essentially, replace the original ditch. The culvert pipe will be designed to prevent the floating contaminated oily layer from entering the pipe and contacting or mixing with the storm water and ground water which will flow through the pipe. The installation of the culvert pipe will be designed to eliminate the ditch as a pathway for the contaminated oily layer to travel off-site and eventually to the Grand Calumet River. The culvert pipe will include engineering controls that will be designed to prevent the floating contaminated oily layer from infiltrating the walls and joints of the culvert pipe. In addition, clay or bentonite "checks" and test points will be designed and installed around the pipe, approximately every 200 feet, to minimize the likelihood of the floating contaminated oily layer moving along the outside of the pipe to a point of discharge on the Gary Airport property. Once the culvert pipe, engineering controls and clay or bentonite checks have been installed, the culvert pipe on the Gary Airport property will be covered and seeded. Respondents shall ensure that the response actions described in this subparagraph shall comply with all applicable Federal Aviation Administration (FAA) rules and regulations. Respondents shall also secure all necessary approvals from the FAA and Gary Airport, prior to commencing the response actions described in this subparagraph.

3. Section V, Paragraph 2.1 of the AOC shall be amended to include the following:

Within 15 business days after the effective date of this Amended AOC, Respondents shall submit to U.S. EPA for approval, a draft Amended Work Plan and schedule for the design and implementation of the culvert pipe on the Gary Airport property that is located adjacent to the CCCI property. U.S. EPA shall approve, disapprove, require revisions to, or modify the draft Amended Work Plan and schedule, except that U.S. EPA cannot provide advice and/or approval for the Amended Work Plan and schedule with regard to any FAA technical and/or legal requirement that may apply to the response action that will occur on the Gary Airport property. Therefore, Respondents shall ensure that all applicable FAA technical and legal requirements have been followed in designing and implementing the response action under this Amended AOC and the approved Amended Work Plan. Respondents shall secure all required FAA and Gary Airport approvals prior to starting construction of the response action on the Gary Airport property.

If U.S. EPA requires revisions to the draft Amended Work Plan and/or schedule, Respondents shall submit a revised draft Amended Work Plan within 5 business days of receipt of U.S. EPA's notification of required revisions. Respondents shall implement the Amended Work Plan, as finally approved in writing by U.S. EPA, in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Amended Work Plan, the schedule, and any subsequent modifications shall be incorporated as an integral part of this Amended AOC, and shall be fully enforceable under this Amended AOC. Failure of the Respondents to properly implement all aspects of the Amended Work Plan approved by U.S. EPA shall be deemed to be a violation of the terms of this Amended AOC.

4. Following completion of the response action on the Gary Airport property under the Amended AOC and Amended Work Plan (*the project*), Respondents shall demonstrate in writing and certify that they have complied with all applicable FAA and Gary Airport technical and legal requirements for the design and implementation of the response action under this Amended AOC and Amended Work Plan. The certification shall consist of a statement and certification of a professional engineer, licensed in Indiana and hired by Respondents, that Respondents have authorized and directed him to sign the certification on their behalf that the project was constructed in accordance with the plans and specifications for the project, as certified by the Gary Airport Authority's Engineer. The certification shall attach the signed and sealed statement of a professional engineer, licensed in the State of Indiana, and employed by the Gary Airport Authority that the plans and specifications for the project are in accordance with all applicable FAA requirements and regulations and have been approved by the Gary Airport Authority and FAA.

5. This Amended AOC shall be effective upon receipt by Respondents of a copy of this Amended AOC, signed by the Director of the Superfund Division, U.S. EPA Region 5.
6. Each signatory to this Amended Administrative Order by Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Amendment and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.